

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

STATE OF ARIZONA,

Plaintiff,

vs.

ROGER D. WILSON,

Defendant.

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CR96000100

COURT REPORTER'S TRANSCRIPT OF PROCEEDINGS

Hearing on Restoration of Civil/Gun Rights

Bisbee, Arizona

June 23, 2014

BEFORE: HONORABLE JOHN F. KELLIHER, JR.

APPEARANCES:

On Behalf of the State of Arizona:
James Glanville, Deputy County Attorney

Defendant Present in Person without Counsel

CYNTHIA A. REED

Certified Court Reporter
50094

43 Cochise Lane
Bisbee, AZ 85603
(520) 432-4358

COPY

1 THE COURT: State of Arizona vs. Roger Wilson,
2 CR96000100. Good morning, sir.

3 THE DEFENDANT: Good morning, Your Honor.

4 THE COURT: And Mr. Glanville is present for the
5 State. Do you have counsel, Mr. Wilson?

6 THE DEFENDANT: No. This is just a -- I was
7 searching for some paperwork, sir.

8 THE COURT: Yeah, I see that.

9 THE DEFENDANT: And I wound up getting in a
10 pickle, and --

11 THE COURT: Well, it doesn't make much sense to
12 me. That's why I was wondering if you had counsel, because
13 --

14 THE DEFENDANT: I'm okay pro se this trip, Your
15 Honor.

16 THE COURT: Let one of us speak at a time, for
17 our court reporter, because I have to live with her, you
18 don't, and you want a good record. She takes the best
19 record if only one of us --

20 THE DEFENDANT: Your Honor, while we're doing it,
21 I have some stuff I need to provide to the Court and to the
22 prosecution, but the jail doesn't let me make copies.
23 Would the jail be able to provide you with the necessary
24 copies for you and the prosecution?

25 THE COURT: What is it you're trying to give me,

1 because I'm fairly certain I don't want it, because --

2 THE DEFENDANT: It's a transportation warehousing
3 identification credentials. It's my maritime captain's
4 license.

5 THE COURT: Why do I need that?

6 THE DEFENDANT: Well, in order to show, first of
7 all, that as a captain on merchants vessels it's mandatory
8 that I possess firearms.

9 THE COURT: But you're jail. You're not
10 possessing any firearms in jail. You guys don't let guns
11 in the jail?

12 DETENTION OFFICER: No.

13 THE DEFENDANT: I understand that, sir.

14 THE COURT: You guys haven't changed that policy
15 yet? You're in custody because you are a material witness
16 in another case?

17 THE DEFENDANT: No, sir, I'm a victim. But Mr.
18 Glanville has decided to press charges against victims now.

19 THE COURT: Mr. Glanville, is Mr. Wilson in
20 custody as a material witness?

21 MR. GLANVILLE: No, Your Honor, he's a defendant.
22 He is being held without bond because he committed that
23 offense while he was out on release in another offense,
24 which it is unlikely to get this matter disposed of today.

25 Let me point out to the Court -- it's not a

1 matter of record in this case -- but he has a pending Rule
2 11 proceeding in the other case --

3 THE COURT: Which is?

4 MR. GLANVILLE: He has a pending motion to
5 represent himself, and both of those motions must pend --

6 THE DEFENDANT: Objection, Your Honor.

7 MR. GLANVILLE: -- until those proceedings play
8 out.

9 THE DEFENDANT: The Rule 11 is irrelevant to this
10 case.

11 THE COURT: Well, I'm trying to figure out why I
12 have this case.

13 THE DEFENDANT: Mr. Glanville tells you my other
14 case is ongoing. He's charged me -- and this is the house
15 of priors he has alleged me with. I have copies of it
16 right here (indicating) -- the house of priors. He's
17 trying to make things confusing, sir.

18 THE COURT: Well, I don't know that he is or
19 isn't, but I'm still confused. Why do I have this case?

20 MR. GLANVILLE: I think the original case from
21 1996 was a Division Two case.

22 THE DEFENDANT: I have the answer to your
23 question, Your Honor.

24 MR. GLANVILLE: I guess Judge Desens had it, at
25 the time, so it stays with you. If the Rule 11 proceedings

1 turn out to end in a finding that Mr. Wilson is
2 incompetent, which I don't think they will, but if they do,
3 he certainly is not competent to represent himself.

4 THE COURT: Right. That goes hand-in-hand.

5 THE DEFENDANT: But this is about my rights that
6 have already been restored, Your Honor. In that particular
7 case Mr. Glanville has me charged with prohibited
8 possessor, and I'm not a prohibited possessor. I was
9 seeking my gun rights, and I have a copy right here
10 (indicating) of my letter to the Court, sir, where I needed
11 a researcher, or to go through the process with him to
12 produce the document so I could show Judge Conlogue that
13 I'm not a prohibited possessor. About a week after I
14 produced this letter that Mr. Donahue is holding, I got
15 this from Mr. Glanville (indicating).

16 THE COURT: Okay. I now know the answer to my
17 question.

18 THE DEFENDANT: Okay.

19 THE COURT: The matter, having come before the
20 Court for review, the Court noting that the Defendant,
21 Roger D. Wilson, filed an application to restore civil
22 rights and gun rights, and a request to restore the right
23 to possess or own firearms on May 19, 2014, and it
24 appearing that copies of said documents were provided to
25 the Cochise County Attorney's Office, it is the order

1 setting this matter for hearing on Monday, June 23rd, and
2 let the State file its response. If that's what we're here
3 for, Mr. Wilson. It's your motion.

4 THE DEFENDANT: Your Honor, my rights have
5 already been restored. In response to Mr. Glanville's --
6 or in rebuttal to Mr. Glanville's response, I'd like to
7 show the Court that -- I don't have a copy of exactly his
8 response. I know, at the top of his page that he submitted
9 to you, it says that I am a repeat offender, which is
10 absolute untrue, Your Honor.

11 THE COURT: It alleges, and I'm quoting: The
12 Defendant is currently pending felony charges of being a
13 prohibited possessor in Cochise County Superior Court Case
14 CR201400018 with enhancements of being on release in a
15 pending felony case and being a repetitive offender.

16 It is that pending felony, the factual predicate
17 as set forth in various Cochise County Sheriff's Office
18 departmental reports under incident number 13-13461, that
19 of Deputy Nathan Cash being best documents of Defendant's
20 drunken and assaultive --

21 THE DEFENDANT: Your Honor --

22 THE COURT: Okay. I just read that to refresh
23 your memory.

24 THE DEFENDANT: Thank you, sir. Did you get my
25 response?

1 THE COURT: I got a lot of stuff, Mr. Wilson. I
2 don't know that it was a response to any of this.

3 THE DEFENDANT: It was a response to -- it was a
4 rebuttal to Mr. Glanville.

5 THE COURT: Well, why don't we do this. Since
6 you're in custody the issue of you having the right to bear
7 firearms, it is relatively moot, for the time being. So
8 why don't we wait until your felony charges in that
9 previously mentioned CR201400018, why don't we wait until
10 those charges are disposed of before we have to deal with
11 this issue. Because if you're convicted of that, that
12 pretty much makes it moot for good.

13 THE DEFENDANT: Yes, sir. But right now, because
14 of my no bond hold, it would make a big difference as far
15 as my case goes over there (indicating).

16 THE COURT: But your no bond hold is from another
17 judge.

18 THE DEFENDANT: Well, it's from this. I was
19 found not guilty in a previous Glanville felony.

20 THE COURT: Yeah. I had the displeasure of
21 poking my head in the courtroom while you and Mr. Glanville
22 were going at it. I'm not going to make a decision today,
23 Mr. Wilson.

24 THE DEFENDANT: Your Honor, I need to produce
25 that document -- the document --

1 THE COURT: I'm not going to make a decision
2 today.

3 THE DEFENDANT: Can I show you I'm a victim in
4 the case?

5 THE COURT: I'm not going to make a decision
6 today, pending the resolution of those charges.

7 THE DEFENDANT: Well, Your Honor, I sure wish to
8 produce that document. All it does is keep me in jail a
9 lot longer. All it is -- I have to show Judge Conlogue one
10 document. I've already gone through the process. All I
11 was doing was looking for the paper. I'm not asking you to
12 make a decision. I need your help in finding that piece of
13 paper. Could you sign a research order, or something, to
14 help me find that document to give it to Judge Conlogue?

15 THE COURT: You lost me. What document?

16 THE DEFENDANT: On my restoration of my rights.

17 THE COURT: Well, it should be in the file.

18 THE DEFENDANT: Well, that's the problem. That
19 file is not complete, sir, or there would also be an
20 absolute discharge in there, and my absolute discharge is
21 not in there.

22 THE COURT: Well, I'm not gonna go hunting for
23 it.

24 THE DEFENDANT: Well, I was wondering if you
25 could sign a research, or something.

1 THE COURT: Yeah, we have a lot of those
2 available. We don't have anything like that, sir. I don't
3 even have a computer on my desk in the courtroom.

4 THE DEFENDANT: All right, then.

5 THE COURT: Good luck to you. I suspect we'll be
6 back. Mr. Glanville, could I prevail upon the State to let
7 us know when that 2014 case is resolved?

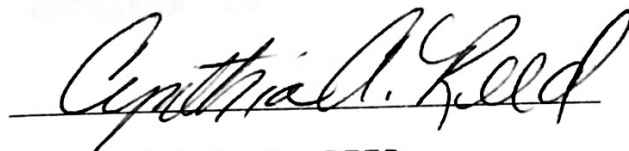
8 MR. GLANVILLE: Yes, Your Honor. It will be a
9 while, though.

10 THE COURT: The alternative is I can set periodic
11 review hearings. Thank you.

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STATE OF ARIZONA)
) SS.
COUNTY OF COCHISE)

I, CYNTHIA A. REED, do hereby certify that as Official Court Reporter for Cochise County, I was present at the foregoing proceedings; that while there I took down, in shorthand, all of the oral testimony adduced and proceedings had; that the shorthand notes were transcribed by me; and that the foregoing contains a full, true and correct transcript of the matter set forth in the title page hereto to the best of my ability.

A handwritten signature in cursive script, reading "Cynthia A. Reed", written over a horizontal line.

CYNTHIA A. REED
Certified Court Reporter
50094

September 30, 2019